



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1930

Introduced 1/16/2008, by Sen. Jeffrey M. Schoenberg

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-107  
625 ILCS 5/6-110

from Ch. 95 1/2, par. 6-107  
from Ch. 95 1/2, par. 6-110

Amends the Illinois Vehicle Code. In provisions making a driver's license invalid for the operation of a motor vehicle during certain hours if the licensee is less than 18 years of age, adds an exception for a person participating as an assigned driver in a Safe Rides program sponsored by the Boy Scouts of America or another national public service organization. In provisions prohibiting certain graduated driver's license holders from operating a motor vehicle with more than one passenger under the age of 20 for the first 12 months they hold the license, adds an exception for a person participating as an assigned driver in such a Safe Rides program if the person has held his or her license for at least 6 months. Effective immediately.

LRB095 15967 WGH 43073 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-107 and 6-110 as follows:

6 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

7 Sec. 6-107. Graduated license.

8 (a) The purpose of the Graduated Licensing Program is to  
9 develop safe and mature driving habits in young, inexperienced  
10 drivers and reduce or prevent motor vehicle accidents,  
11 fatalities, and injuries by:

12 (1) providing for an increase in the time of practice  
13 period before granting permission to obtain a driver's  
14 license;

15 (2) strengthening driver licensing and testing  
16 standards for persons under the age of 21 years;

17 (3) sanctioning driving privileges of drivers under  
18 age 21 who have committed serious traffic violations or  
19 other specified offenses; and

20 (4) setting stricter standards to promote the public's  
21 health and safety.

22 (b) The application of any person under the age of 18  
23 years, and not legally emancipated by marriage, for a drivers

1 license or permit to operate a motor vehicle issued under the  
2 laws of this State, shall be accompanied by the written consent  
3 of either parent of the applicant; otherwise by the guardian  
4 having custody of the applicant, or in the event there is no  
5 parent or guardian, then by another responsible adult. The  
6 written consent must accompany any application for a driver's  
7 license under this subsection (b), regardless of whether or not  
8 the required written consent also accompanied the person's  
9 previous application for an instruction permit.

10 No graduated driver's license shall be issued to any  
11 applicant under 18 years of age, unless the applicant is at  
12 least 16 years of age and has:

13 (1) Held a valid instruction permit for a minimum of 9  
14 months.

15 (2) Passed an approved driver education course and  
16 submits proof of having passed the course as may be  
17 required.

18 (3) Certification by the parent, legal guardian, or  
19 responsible adult that the applicant has had a minimum of  
20 50 hours of behind-the-wheel practice time, at least 10  
21 hours of which have been at night, and is sufficiently  
22 prepared and able to safely operate a motor vehicle.

23 (b-1) No graduated driver's license shall be issued to any  
24 applicant who is under 18 years of age and not legally  
25 emancipated by marriage, unless the applicant has graduated  
26 from a secondary school of this State or any other state, is

1 enrolled in a course leading to a general educational  
2 development (GED) certificate, has obtained a GED certificate,  
3 is enrolled in an elementary or secondary school or college or  
4 university of this State or any other state and is not a  
5 chronic or habitual truant as provided in Section 26-2a of the  
6 School Code, or is receiving home instruction and submits proof  
7 of meeting any of those requirements at the time of  
8 application.

9 An applicant under 18 years of age who provides proof  
10 acceptable to the Secretary that the applicant has resumed  
11 regular school attendance or home instruction or that his or  
12 her application was denied in error shall be eligible to  
13 receive a graduated license if other requirements are met. The  
14 Secretary shall adopt rules for implementing this subsection  
15 (b-1).

16 (c) No graduated driver's license or permit shall be issued  
17 to any applicant under 18 years of age who has committed the  
18 offense of operating a motor vehicle without a valid license or  
19 permit in violation of Section 6-101 of this Code and no  
20 graduated driver's license or permit shall be issued to any  
21 applicant under 18 years of age who has committed an offense  
22 that would otherwise result in a mandatory revocation of a  
23 license or permit as provided in Section 6-205 of this Code or  
24 who has been either convicted of or adjudicated a delinquent  
25 based upon a violation of the Cannabis Control Act, the  
26 Illinois Controlled Substances Act, or the Methamphetamine

1 Control and Community Protection Act while that individual was  
2 in actual physical control of a motor vehicle. For purposes of  
3 this Section, any person placed on probation under Section 10  
4 of the Cannabis Control Act, Section 410 of the Illinois  
5 Controlled Substances Act, or Section 70 of the Methamphetamine  
6 Control and Community Protection Act shall not be considered  
7 convicted. Any person found guilty of this offense, while in  
8 actual physical control of a motor vehicle, shall have an entry  
9 made in the court record by the judge that this offense did  
10 occur while the person was in actual physical control of a  
11 motor vehicle and order the clerk of the court to report the  
12 violation to the Secretary of State as such.

13 (d) No graduated driver's license shall be issued for 9  
14 months to any applicant under the age of 18 years who has  
15 committed and subsequently been convicted of an offense against  
16 traffic regulations governing the movement of vehicles or any  
17 violation of this Section or Section 12-603.1 of this Code.

18 (e) No graduated driver's license holder under the age of  
19 18 years shall operate any motor vehicle, except a motor driven  
20 cycle or motorcycle, with more than one passenger in the front  
21 seat of the motor vehicle and no more passengers in the back  
22 seats than the number of available seat safety belts as set  
23 forth in Section 12-603 of this Code. If a graduated driver's  
24 license holder over the age of 18 committed an offense against  
25 traffic regulations governing the movement of vehicles or any  
26 violation of this Section or Section 12-603.1 of this Code in

1 the 6 months prior to the graduated driver's license holder's  
2 18th birthday, and was subsequently convicted of the violation,  
3 the provisions of this paragraph shall continue to apply until  
4 such time as a period of 6 consecutive months has elapsed  
5 without an additional violation and subsequent conviction of an  
6 offense against traffic regulations governing the movement of  
7 vehicles or any violation of this Section or Section 12-603.1  
8 of this Code.

9 (f) No graduated driver's license holder under the age of  
10 18 shall operate a motor vehicle unless each driver and  
11 passenger under the age of 19 is wearing a properly adjusted  
12 and fastened seat safety belt and each child under the age of 8  
13 is protected as required under the Child Passenger Protection  
14 Act. If a graduated driver's license holder over the age of 18  
15 committed an offense against traffic regulations governing the  
16 movement of vehicles or any violation of this Section or  
17 Section 12-603.1 of this Code in the 6 months prior to the  
18 graduated driver's license holder's 18th birthday, and was  
19 subsequently convicted of the violation, the provisions of this  
20 paragraph shall continue to apply until such time as a period  
21 of 6 consecutive months has elapsed without an additional  
22 violation and subsequent conviction of an offense against  
23 traffic regulations governing the movement of vehicles or any  
24 violation of this Section or Section 12-603.1 of this Code.

25 (g) If a graduated driver's license holder is under the age  
26 of 18 when he or she receives the license, for the first 12

1 months he or she holds the license or until he or she reaches  
2 the age of 18, whichever occurs sooner, the graduated license  
3 holder may not operate a motor vehicle with more than one  
4 passenger in the vehicle who is under the age of 20, unless any  
5 additional passenger or passengers are siblings,  
6 step-siblings, children, or stepchildren of the driver;  
7 however, this restriction does not apply when a graduated  
8 driver's license holder who has held his or her license for at  
9 least 6 months is participating as an assigned driver in a Safe  
10 Rides program that meets the criteria in paragraph (a-2) (9) of  
11 Section 6-110. If a graduated driver's license holder committed  
12 an offense against traffic regulations governing the movement  
13 of vehicles or any violation of this Section or Section  
14 12-603.1 of this Code during the first 12 months the license is  
15 held and subsequently is convicted of the violation, the  
16 provisions of this paragraph shall remain in effect until such  
17 time as a period of 6 consecutive months has elapsed without an  
18 additional violation and subsequent conviction of an offense  
19 against traffic regulations governing the movement of vehicles  
20 or any violation of this Section or Section 12-603.1 of this  
21 Code.

22 (h) Except as otherwise provided in subsection (g), it ~~is~~  
23 shall be an offense for a person that is age 15, but under age  
24 20, to be a passenger in a vehicle operated by a driver holding  
25 a graduated driver's license during the first 12 months the  
26 driver holds the license or until the driver reaches the age of

1 18, whichever occurs sooner, if another passenger under the age  
2 of 20 is present, excluding a sibling, step-sibling, child, or  
3 step-child of the driver.

4 (Source: P.A. 94-239, eff. 1-1-06; 94-241, eff. 1-1-06; 94-556,  
5 eff. 9-11-05; 94-897, eff. 6-22-06; 94-916, eff. 7-1-07;  
6 95-310, eff. 1-1-08; 95-331, eff. 8-21-07.)

7 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

8 Sec. 6-110. Licenses issued to drivers.

9 (a) The Secretary of State shall issue to every qualifying  
10 applicant a driver's license as applied for, which license  
11 shall bear a distinguishing number assigned to the licensee,  
12 the legal name, zip code, date of birth, residence address, and  
13 a brief description of the licensee, and a space where the  
14 licensee may write his usual signature.

15 Licenses issued shall also indicate the classification and  
16 the restrictions under Section 6-104 of this Code.

17 In lieu of the social security number, the Secretary may in  
18 his discretion substitute a federal tax number or other  
19 distinctive number.

20 A driver's license issued may, in the discretion of the  
21 Secretary, include a suitable photograph of a type prescribed  
22 by the Secretary.

23 (a-1) If the licensee is less than 18 years of age, unless  
24 one of the exceptions in subsection (a-2) apply, the license  
25 shall, as a matter of law, be invalid for the operation of any

1 motor vehicle during the following times:

2 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

3 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on  
4 Sunday; and

5 (C) Between 10:00 p.m. on Sunday to Thursday,  
6 inclusive, and 6:00 a.m. on the following day.

7 (a-2) The driver's license of a person under the age of 18  
8 shall not be invalid as described in subsection (a-1) of this  
9 Section if the licensee under the age of 18 was:

10 (1) accompanied by the licensee's parent or guardian or  
11 other person in custody or control of the minor;

12 (2) on an errand at the direction of the minor's parent  
13 or guardian, without any detour or stop;

14 (3) in a motor vehicle involved in interstate travel;

15 (4) going to or returning home from an employment  
16 activity, without any detour or stop;

17 (5) involved in an emergency;

18 (6) going to or returning home from, without any detour  
19 or stop, an official school, religious, or other  
20 recreational activity supervised by adults and sponsored  
21 by a government or governmental agency, a civic  
22 organization, or another similar entity that takes  
23 responsibility for the licensee, without any detour or  
24 stop;

25 (7) exercising First Amendment rights protected by the  
26 United States Constitution, such as the free exercise of

1 religion, freedom of speech, and the right of assembly; ~~or~~

2 (8) married or had been married or is an emancipated  
3 minor under the Emancipation of Minors Act; or

4 (9) participating as an assigned driver in a Safe Rides  
5 program that meets the following criteria:

6 (A) the program is sponsored by the Boy Scouts of  
7 America or another national public service  
8 organization; and

9 (B) the sponsoring organization carries liability  
10 insurance covering the program.

11 (a-3) If a graduated driver's license holder over the age  
12 of 18 committed an offense against traffic regulations  
13 governing the movement of vehicles or any violation of Section  
14 6-107 or Section 12-603.1 of this Code in the 6 months prior to  
15 the graduated driver's license holder's 18th birthday, and was  
16 subsequently convicted of the offense, the provisions of  
17 subsection (a-1) shall continue to apply until such time as a  
18 period of 6 consecutive months has elapsed without an  
19 additional violation and subsequent conviction of an offense  
20 against traffic regulations governing the movement of vehicles  
21 or Section 6-107 or Section 12-603.1 of this Code.

22 (b) Until the Secretary of State establishes a First Person  
23 Consent organ and tissue donor registry under Section 6-117 of  
24 this Code, the Secretary of State shall provide a format on the  
25 reverse of each driver's license issued which the licensee may  
26 use to execute a document of gift conforming to the provisions

1 of the Illinois Anatomical Gift Act. The format shall allow the  
2 licensee to indicate the gift intended, whether specific  
3 organs, any organ, or the entire body, and shall accommodate  
4 the signatures of the donor and 2 witnesses. The Secretary  
5 shall also inform each applicant or licensee of this format,  
6 describe the procedure for its execution, and may offer the  
7 necessary witnesses; provided that in so doing, the Secretary  
8 shall advise the applicant or licensee that he or she is under  
9 no compulsion to execute a document of gift. A brochure  
10 explaining this method of executing an anatomical gift document  
11 shall be given to each applicant or licensee. The brochure  
12 shall advise the applicant or licensee that he or she is under  
13 no compulsion to execute a document of gift, and that he or she  
14 may wish to consult with family, friends or clergy before doing  
15 so. The Secretary of State may undertake additional efforts,  
16 including education and awareness activities, to promote organ  
17 and tissue donation.

18 (c) The Secretary of State shall designate on each driver's  
19 license issued a space where the licensee may place a sticker  
20 or decal of the uniform size as the Secretary may specify,  
21 which sticker or decal may indicate in appropriate language  
22 that the owner of the license carries an Emergency Medical  
23 Information Card.

24 The sticker may be provided by any person, hospital,  
25 school, medical group, or association interested in assisting  
26 in implementing the Emergency Medical Information Card, but

1 shall meet the specifications as the Secretary may by rule or  
2 regulation require.

3 (d) The Secretary of State shall designate on each driver's  
4 license issued a space where the licensee may indicate his  
5 blood type and RH factor.

6 (e) The Secretary of State shall provide that each original  
7 or renewal driver's license issued to a licensee under 21 years  
8 of age shall be of a distinct nature from those driver's  
9 licenses issued to individuals 21 years of age and older. The  
10 color designated for driver's licenses for licensees under 21  
11 years of age shall be at the discretion of the Secretary of  
12 State.

13 (e-1) The Secretary shall provide that each driver's  
14 license issued to a person under the age of 21 displays the  
15 date upon which the person becomes 18 years of age and the date  
16 upon which the person becomes 21 years of age.

17 (f) The Secretary of State shall inform all Illinois  
18 licensed commercial motor vehicle operators of the  
19 requirements of the Uniform Commercial Driver License Act,  
20 Article V of this Chapter, and shall make provisions to insure  
21 that all drivers, seeking to obtain a commercial driver's  
22 license, be afforded an opportunity prior to April 1, 1992, to  
23 obtain the license. The Secretary is authorized to extend  
24 driver's license expiration dates, and assign specific times,  
25 dates and locations where these commercial driver's tests shall  
26 be conducted. Any applicant, regardless of the current

1 expiration date of the applicant's driver's license, may be  
2 subject to any assignment by the Secretary. Failure to comply  
3 with the Secretary's assignment may result in the applicant's  
4 forfeiture of an opportunity to receive a commercial driver's  
5 license prior to April 1, 1992.

6 (g) The Secretary of State shall designate on a driver's  
7 license issued, a space where the licensee may indicate that he  
8 or she has drafted a living will in accordance with the  
9 Illinois Living Will Act or a durable power of attorney for  
10 health care in accordance with the Illinois Power of Attorney  
11 Act.

12 (g-1) The Secretary of State, in his or her discretion, may  
13 designate on each driver's license issued a space where the  
14 licensee may place a sticker or decal, issued by the Secretary  
15 of State, of uniform size as the Secretary may specify, that  
16 shall indicate in appropriate language that the owner of the  
17 license has renewed his or her driver's license.

18 (h) A person who acts in good faith in accordance with the  
19 terms of this Section is not liable for damages in any civil  
20 action or subject to prosecution in any criminal proceeding for  
21 his or her act.

22 (Source: P.A. 94-75, eff. 1-1-06; 94-930, eff. 6-26-06; 95-310,  
23 eff. 1-1-08.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.